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DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER MONIKANG, GEORGE C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,403

Applicant(s)

DERUGINSKY ET AL.

Examiner

GEORGE C. MONIKANG

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/595,403.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/88)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Amendments filed on 8/22/08 have been fully considered but they are not persuasive. In regard to the limitation wherein having "a second input terminal and wherein a signal from a microphone is to be applied to the second signal input terminal". Please, note the examiner consider (in AAPA) such limitation as "a second signal input terminal" (fig. 2: in M) and wherein a signal from a microphone is to be applied to the second signal input terminal (fig. 2: feedback; col. 2, lines 1-17).

Response to Amendment

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 8-10, 13-15, 17-18, 20-22, 25, 28-29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier et al's admitted prior art (hereinafter referred to as AAPA; figs. 2-3; col. 2, lines 1-29). (The Eschauzier et al reference is cited in IDS filed 4/14/2006)

Re Claim 1, AAPA discloses a microphone preamplifier, comprising a differential input stage with a first signal input terminal (fig. 2: in P) and a second signal input terminal (fig. 2: in M) and output stage with an output terminal (fig. 2: in P, in M & out); wherein a signal from a microphone is to be applied to the second signal input terminal and a feedback circuit (fig. 2: feedback; col. 2, lines 1-17), having a low pass frequency transfer function (fig. 2: feedback; col. 2, lines 1-17) coupled between the output terminal and the first signal input terminal (fig. 2: in P).

The AAPA fails to disclose the microphone preamplifier integrated on a semiconductor substrate. Official notice is taken that both the concepts and advantages

of integrating circuits on a semiconductor substrate are well known in the art. It would have been obvious to modify the preamplifier circuit on a semiconductor circuit in order to use the preamp circuit as a chip in a computer processor.

Re Claim 2, AAPA discloses a microphone preamplifier according to claim 1, wherein the differential input stage comprises an inverting input and a non-inverting input (*fig. 2: feedback; col. 2, lines 1-17*) wherein the non-inverting input is the second input terminal arranged to receive the microphone signal (*fig. 2: in P: it is inherent that the amplifier will have an inverting and non-inverting input*), and the inverting input is the first input signal terminal arranged to receive a feedback signal provided by the feedback circuit (*fig. 2: in P: it is inherent that the amplifier will have an inverting and non-inverting input*).

Re Claim 8, which further recites, "Wherein the feedback circuit is an active filter." AAPA does not explicitly disclose an active filter as claimed. Official notice is taken that both the concepts and advantages of providing an active filter are well known in the art. It would have been obvious to use an active filter since it is commonly used to shape the filter's response and buffer the filter from the electronic components it drives.

Re Claim 9, which further recites, "Wherein the feedback circuit is a passive filter." AAPA does not explicitly disclose a passive filter as claimed. Official notice is taken that both the concepts and advantages of providing a passive filter are well known in the art. It would have been obvious to use a passive filter since it is commonly used to block low frequency signals and cause them to go through the load.

Re Claim 10, AAPA discloses a microphone preamplifier according to claim 1, wherein the feedback circuit is configured with an active device which provides an ohmic impedance across a two-port circuit (fig. 2: feedback).

Re Claim 13, AAPA discloses a microphone preamplifier according to claim 1, wherein the feedback circuit comprises a source providing a DC offset (fig. 2: feedback; col. 2, lines 1-17).

Re Claim 14, AAPA discloses a microphone preamplifier according to claim 1, wherein the feedback circuit comprises a filter (AAPA, fig. 2: feedback; col. 2, lines 1-17) with a source that provides a DC offset (AAPA, fig. 2: feedback; col. 2, lines 1-17).

Re Claim 15, AAPA discloses a microphone preamplifier according to claim 1, wherein a DC offset is provided at the first input of the preamplifier by a circuit configuration comprising a current source coupled, at the circuit node of the first input of the preamplifier (AAPA, fig. 2: feedback; col. 2, lines 1-17), to an active device which provides an ohmic impedance across a two-port circuit (AAPA, fig. 2: feedback; col. 2, lines 1-17).

Re Claim 17, AAPA discloses a microphone preamplifier according to claim 1, wherein the differential input stage comprises a first and second current path for the respective differential inputs (AAPA, fig. 2; col. 2, lines 1-17), and wherein a DC offset is provided by establishing different DC currents through the first and second current path of the differential input stage (AAPA, fig. 2: feedback; col. 2, lines 1-17).

Re Claim 18, AAPA discloses a microphone preamplifier according to claim 1, wherein the preamplifier is configured to receive the microphone signal via an input bias

element which has relatively high ohmic impedance when the microphone signal is relatively small in magnitude and relatively low ohmic impedance when the microphone signal is relatively high in magnitude (AAPA, col. 2, lines 1-17).

Re Claim 20, which further recites, "Wherein the bias element is configured by two cross-coupled bipolar transistors." AAPA does not explicitly disclose Bipolar transistors as claimed. Official notice is taken that both the concepts and advantages of providing bipolar transistors are well known in the art. It would have been obvious to use bipolar transistors since it is commonly used in amplifying and switching applications.

Claim 21 has been analyzed and rejected according to claim 1.

Re Claim 22, AAPA discloses a microphone preamplifier according to claim 1, wherein the preamplifier is a differential amplifier which is configured to convert an input signal into a common mode signal for low frequencies and into a differential for audio frequencies (AAPA, col. 2, lines 1-17).

Re Claim 25, AAPA discloses a microphone preamplifier according to claim 1, wherein a phase shifter is coupled between inputs of the differential amplifier (fig. 2: Celectret).

Re Claim 28, which further recites, "Comprising a voltage pump integrated on the semiconductor substrate." AAPA does not explicitly disclose a voltage pump as claimed. Official notice is taken that both the concepts and advantages of providing a voltage pump are well known in the art. It would have been obvious to use a voltage pump since they are commonly used to increase the reference voltage to a bias voltage.

Re Claim 29, AAPA discloses a microphone according to claim 1, comprising an electret microphone configured to provide a microphone signal, responsive to a sound pressure on the electret microphone, to the microphone preamplifier (AAPA, fig. 2: in P).

Re Claim 31, which further recites, "Comprising a MEMS microphone member to provide a microphone signal, responsive to a sound pressure on the MEMS microphone, to the microphone preamplifier." Official notice is taken that both the concepts and advantages of providing a MEMS microphone is well known in the art. It would have been obvious to use a MEMS microphone since they are small in size and can withstand mechanical shocks.

Claim 32 has been analyzed and rejected according to claim 1.

Re Claim 33, AAPA discloses the microphone preamplifier as claimed in claim 1 wherein said differential amplifier has a high pass frequency transfer function (fig. 2: feedback; col. 2, lines 1-17) and said feedback circuit low-pass frequency transfer function reduces the low frequency output of the preamplifier (fig. 2: feedback; col. 2, lines 1-17).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier et al's admitted prior art (hereinafter referred to as AAPA; figs. 2 & 3; col. 2, lines 1-29), as applied to claim 1 above, in view of Tsinker, US Patent 6,150,875.

Re Claim 3, AAPA discloses a microphone preamplifier according to claim 1, wherein the feedback circuit is a filter with a transfer function (col. 2, lines 1-6), in the frequency domain (col. 2, lines 1-6), but fails to disclose a zero and a pole; wherein the zero is located at a higher frequency than the pole. However, Tsinker does (Tsinker et al, col. 6, lines 31-42).

Taking the combined teachings of AAPA and Tsinker as a whole, one skilled in the art would have found it obvious to modify the microphone preamplifier according to claim 1, wherein the feedback circuit is a filter with a transfer function (col. 2, lines 1-6), in the frequency domain (col. 2, lines 1-6) of AAPA with a zero and a pole; wherein the zero is located at a higher frequency than the pole as taught in Tsinker (Tsinker, col. 6, lines 31-42) so that circuit could be more effective.

Re Claim 4, the combined teachings of AAPA and Tsinker disclose a microphone preamplifier according to claim 1, wherein the preamplifier has a transfer function, in the frequency domain, with a zero and a pole; wherein the pole is located in the range 0.1 Hz to 50 Hz or 0.1 Hz to 100 Hz or 0.1 to 200 Hz (Tsinker, col. 6, lines 31-42).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier et al's admitted prior art (hereinafter referred to as AAPA; figs. 2 & 3; col. 2,

lines 1-29), as applied to claim 1 above, in view of Bhandari et al, US Patent 6,424,480 B1.

Re Claim 5, AAPA discloses a microphone preamplifier according to claim 1, wherein the feedback circuit is a filter which (col. 2, lines 1-6), in the frequency domain (col. 2, lines 1-6), but fails to disclose a relatively high gain level below a transition frequency range and a relatively low gain level above the transition frequency range. However, Bhandari et al does (col. 4, lines 8-15).

Taking the combined teachings of AAPA and Bhandari et al as a whole, one skilled in the art would have found it obvious to modify the microphone preamplifier according to claim 1, wherein the feedback circuit is a filter which (col. 2, lines 1-6), in the frequency domain (col. 2, lines 1-6) of AAPA with a relatively high gain level below a transition frequency range and a relatively low gain level above the transition frequency range as taught in Bhandari et al (Bhandari et al, col. 4, lines 8-15) to control the gain and feedback of the amplifier.

Re Claim 6, the combined teachings of AAPA and Bhandari et al disclose a microphone preamplifier according to claim 5, but fails to disclose wherein the transition frequency range is located below a frequency of about 100 Hz.

However, establishing a transition frequency range below 100 Hz is the inventor's preference thus it would have been obvious for Eschauzier et al, AAPA and Bhandari to modify the transition frequency range below 100 Hz for the motivation of amplifying a low level signal with high frequency and low distortion.

Claim 7 has been analyzed and rejected according to claim 6.

Claims 19 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier et al's admitted prior art (hereinafter referred to as AAPA; figs. 2 & 3; col. 2, lines 1-29), and further in view of French et al, US Patent 5,337,011.

Re Claim 19, AAPA discloses a microphone preamplifier according to claim 18, but fails to disclose wherein the bias element is configured by two cross-coupled diodes. However, French et al does (fig. 2: 36; col. 1, line 61 through col. 2, line 18).

Taking the combined teachings of AAPA and French et al as a whole, one skilled in the art would have found it obvious to modify the microphone preamplifier according to AAPA with wherein the bias element is configured by two cross-coupled diodes as taught in French et al (fig. 2: 36; col. 1, line 61 through col. 2, line 18) to reduce noise content.

Re Claim 30, AAPA discloses a microphone module according to claim 1, but fails to disclose wherein the electret microphone is mounted inside a space formed by a cartridge, and wherein the microphone preamplifier is integrated within the microphone module. However, French et al does (abstract).

Taking the combined teachings of AAPA and French et al as a whole, one skilled in the art would have found it obvious to modify the microphone module according to AAPA with wherein the electret microphone is mounted inside a space formed by a cartridge, and wherein the microphone preamplifier is integrated within the microphone module as taught in French et al (abstract) to reduce noise content.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier et al's admitted prior art (hereinafter referred to as AAPA; figs. 2 & 3; col. 2, lines 1-29), as applied to claim 1 above, in view of Huckins et al, US Patent 6,731,163 B2.

Re Claim 24, AAPA discloses a microphone preamplifier according to claim 1, but fails to disclose wherein a differential amplifier is configured to provide frequencies below an audio band as common mode signals and audio band signals as differential mode signals. However, Huckins et al does (abstract: able to provide common mode and differential signals).

Taking the combined teachings of AAPA and Huckins et al as a whole, one skilled in the art would have found have found it obvious to modify the microphone preamplifier according to AAPA with wherein a differential amplifier is configured to provide frequencies below an audio band as common mode signals and audio band signals as differential mode signals as taught in Huckins et al (abstract: able to provide common mode and differential signals) to reduce the effect of compensation capacitance during differential mode operation.

Allowable Subject Matter

Claims 11-12, 16, 23 & 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter for claim 11: The prior art does not teach or moderately suggest the following limitations:

The feedback circuit comprising a configuration with a first and a second active device and a current source, where the devices comprise a respective gate terminal, a source terminal and a drain terminal, and where the gate terminals are interconnected at a node connected to the current source and the drain terminal of the first device, and where the source terminals are interconnected, to provide the second device in a state where an ohmic resistance is provided between its drain and source terminal.

Limitations such as these may be useful in combination with other limitations of claim 1.

The following is a statement of reasons for the indication of allowable subject matter for claim 12: The prior art does not teach or moderately suggest the following limitations:

The feedback circuit comprising a filter with an input port connected to a series connection of a first and second resistor which forms a resistor node at their interconnection, and connected to a series connection of a first and second capacitor which forms a capacitor node at their interconnection; and an output port at the capacitor node; wherein the resistor node and capacitor node are interconnected by an active device which provides an ohmic impedance across a two-port circuit.

Limitations such as these may be useful in combination with other limitations of claim 1.

The following is a statement of reasons for the indication of allowable subject matter for claim 23: The prior art does not teach or moderately suggest the following limitations:

A differential amplifier is configured as an instrumentation type amplifier with two inputs and a first and a second output, where the first and second input are arranged to receive a microphone signal, and the inputs are coupled to receive the microphone signals substantially in phase at relatively low frequencies and substantially out of phase at relatively high frequencies.

Limitations such as these may be useful in combination with other limitations of claim 1.

The following is a statement of reasons for the indication of allowable subject matter for claim 26: The prior art does not teach or moderately suggest the following limitations:

A phase shifter cross coupled between an output of one side of the differential amplifier and an input of the opposite side of the differential amplifier.

The following is a statement of reasons for the indication of allowable subject matter for claim 27: The prior art does not teach or moderately suggest the following limitations:

A phase shifter coupled between a signal node, in phase with an input signal to the amplifier, and an input terminal of an opposite side of the differential amplifier.

Claim 16 has been analyzed and treated according to claim 11.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/14/2008

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